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Application Serial No. 10/045,143

Responsive to Official Action dated 10 November 2003

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action, a Final Rejection, dated 10 November 2003. Responsive to the rejections and requirements made in the Final Rejection, Claims 15-28 have been amended as reflected in the Listing of Claims above, so as to more clearly express and distinctly claim the subject matter which the Applicant regards as his invention.

In the Official Action, the Examiner objected to the Amendment filed 15 August 2003 because it was deemed to introduce new matter into the disclosure. In particular, the new matter deemed to be added was in Claim 15, that the adhesive is separable into two portions. Claim 15 as currently amended herein no longer contains any references to separability. As reflected in the originally submitted Fig. 1, the adhesive strip apparatus comprises at least two pieces or members.

In the Examiner's notes within that Official Action of 10 November 2003, there seems to be an understandable misinterpretation as reflected in the Examiner's reference to "the adhesive" without the identifying noun "layer" or "strip". The Applicant recognizes the unfortunate use of two distinct terms, "an adhesive strip" and "an adhesive layer" that refer to the different aspects of the subject invention and has introduced the phrase "adhesive strip apparatus" in place of "an adhesive strip" simply to clarify what each term is meant to reference. Having complied with the Examiner's requirement to

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cancel what was deemed to be new subject matter, it is believed that the subject Application as currently amended avoids the basis for the Examiner's § 132 objection.

Further in the Official Action, the Examiner addresses a question of Claim limitation regarding the nature of the integrally formed fin extending between opposing longitudinal ends of the base plate. In compliance with the Examiner's suggestion, the Claims have been amended to include more explicit language, namely, "...at least two substantially identical integrally formed fins extending continuously between opposing longitudinal ends of the base plate..." to reflect the invention as disclosed in the Specification and the Drawings. Figs. 1, 3, and 5 show the longitudinally extending fin extending in a continuous, uninterrupted manner from one side to the other. While the Specification and the Figures 5, 2, 8 disclose some variations in the arrangement and structure of the fins in different embodiments of the invention, as well as variations in the orientation of the fins in relation to the base plate edges, such variations and different embodiments are not contemplated to encompass a fin that does not extend from one side to the other, that is, Applicant disclaims any fin not continuous in its extension between opposite edges of the base plate. It is believed that by amending the Claims in this regard, that the Claims now articulate a clearer view of the invention as disclosed originally in the subject Application.

The Examiner further rejected Claims 15-28 under 35 U.S.C. § 112, first paragraph, for introducing new subject matter as discussed above; insofar as the new

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subject matter has now been canceled, it is believed this rejection by the Examiner is now overcome.

Claim 15 is also rejected by the Examiner under 35 U.S.C. § 112, second paragraph, because the phrase "the fins" lacked an antecedent basis. The claims have been amended to clarify that each member has fins and the fins of two members interlock, said correction overcoming this § 112 rejection.

The Examiner's comments in Paragraph 5 at the top of Page 4 of the Official Action appear to further reflect an understandable misinterpretation, whereby the Examiner interjects the adjective "adhesive" in the phrase "first and second pieces" which -- without identifying explicitly whether this refers to an adhesive strip or an adhesive layer -- would certainly be confusing. Insofar as the issue of separability has been removed from the Claim language as contained in the currently amended subject Application, it is believed that the Examiner's questions as to "whether the separable [adhesive] pieces remain attached to the base plate after being separated from one another..." are moot and the rejection overcome by the clarifying language of the currently amended Claim.

Claim 15 was also rejected by the Examiner for use of the term "being" as being indefinite. The currently amended Claims reflect the Examiner's kind suggestion to replace the term "being" with the term "is" so as to facilitate clarity.

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The Examiner further rejects Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent #5,603,145, hereinafter Arakawa. It is believed that the Examiner may have misinterpreted the particular elements of the reference Patent, wherein the Examiner states on Page 5 of the Official Action that for the Arakawa device "multiple fins attached to one side of the base plate wherein the fins are separated and parallel from one another and extend outward (Figs. 2, 4, and 7-11)...". The Figures referred to by the Examiner, namely Figs. 2, 4, and 7-11 all illustrate the Arakawa device in a strictly elevational side view. Such a comment is confusing to Applicant and his attorney since a side view cannot possibly reveal whether or not the projections 2 are in a parallel relation to each other, or any other special 3-dimensional relation. The Figures of the Arakawa reference include only one perspective view, namely Fig. 1, in which the projections 2 are shown without apparent parallel relation, or any other regular pattern of relation, one to the other.

The Specification is further explicit, Column 3, Lines 41-55, that "there is no particular restriction on the direction of the projected portion 2". Where the function and benefits of the Arakawa device are reflected in comments on Line 51, "...since hooking is not in one direction..." there is a strong suggestion that the Arakawa device does not envision or provide for the projections 2 to be in an orderly parallel arrangement. The device of Arakawa furthermore relies on the snagging of the barb-like projections 2 with other materials such as fabric, etc., for fastening objects to each other, in contradistinction

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to the present subject Application system that relies on the releasable interlocking of complementary fins on different pieces to suspend one object from a supporting surface by the force of gravity to maintain a frictional juxtaposition. For example, the Arakawa device could conceivably be used to reversibly fasten one object to another on a ceiling where the present subject system could not. The present Application system relies on both objects to be coupled together only when both have attached to them the adhesive strip apparatus members of the present system. In contradistinction, the Arakawa reference device can fasten to another object such as cloth by its snagging action of the projections 2, without need for both of the objects to be fastened having the device attached to it.

While the Arakawa reference does not preclude the fastening of the sheet-form hook one to each other, the only illustration of the Arakawa disclosure, Fig. 11, shows the juxtaposition and hooking of one to the other in a front to back relation, where the barbs do not hook together, but rather that the barbs of one surface grab onto the backing of another. There is furthermore no suggestion or disclosure in Arakawa of a need for a particular orientation when one sheet-form hook is hooked to a second sheet-form hook, in contradistinction to the present Application system in which one adhesive strip apparatus piece needs to be oriented 180° relative to its complementary second adhesive strip apparatus piece for releasable interlocking of the continuously extending fins so as to function in the manner contemplated.

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Insofar as the subject Application system in its currently amended form requires as an essential element "a base plate including at least at least two substantially identical integrally formed fins ..." and the Arakawa reference not only seems to lack any disclosure or suggestion of such a continuous fin but actually teaches away from such a well-ordered set of continuous fins, it is believed that the Arakawa reference does not constitute a reasonable or adequate basis for a § 103 rejection. It is believed therefore that the subject Application system in its currently amended and clearer expression overcomes this § 103(a) rejection by the Examiner.

The Examiner rejected Claims 17-24 under 35 U.S.C. § 103(a) as being unpatentable over Arakawa in view of Brumlik. The Brumlik reference, just like the Arakawa reference, does not disclose or suggest, either alone or in combination, the essential element of the present subject Application system, namely the continuous extension of the fins from one longitudinal end to the other. While other aspects of the referenced Patents may be found in common, the absence of this essential element in the referenced Patents cited by the Examiner against the present subject Application reflects the innovative nature of the present Application system; it is believed that the present Patent Application in its currently amended form overcomes and avoids the Examiner's § 103 rejection by clearly claiming an essential element that the referenced Patents fail to disclose or suggest alone or in combination.

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The Examiner has further rejected Claims 25 and 26, both dependent on Independent Claim 15; insofar as currently amended Claim 15 is believed to be patentable by having overcome the Examiner's rejections, the dependent Claims which incorporate that assertedly patentable Independent Claim by reference are *a fortiori* patentable. It is thus believed that the Examiner's rejection of these dependent Claims are overcome by their incorporation by reference of patentably distinctive independent Claim 15.

The Examiner further elaborates the Claim interpretation as regards the extending of the fin between opposing longitudinal ends in the comments found in Section 12 of his Official Action. The currently amended Claims more clearly and particularly claim the fin as "...extending continuously between opposing longitudinal ends of the base plate..." more clearly reflecting the disclosure of the originally submitted Patent Application. It is believed therefore that the prior art of record no longer reads on the subject Application system.

In the "Response to Arguments" section, #12 on pages 8—9 of the Official Action the Examiner cites U.S. Patent #6,367,128, hereinafter "Galkiewicz," and states at the bottom of page 8 that "...it is notoriously well known in the art that a uniform and continuous fin may be used, and such a fin is an improvement upon the prior art hook-type fasteners." Galkiewicz teaches a self-mating fastener comprising "... a multiplicity of parallel, narrowly spaced, elastically deformable ribs projecting from the base sheet;

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the ribs comprising a stem portion attached to and substantially upright from the base sheet and at least one flange attached to each side of the stem portion and spaced from the base sheet;... in the direction transverse to the ribs having a regularly repeated deviation from the profile that would be formed by a full population of equally spaced, identical, undivided, symmetric ribs;..." (Column 21, lines 35—45) In contradistinction, the fins of the present Application device are all identical, have at least one surface devoid of "flanges" or comparable projections, and are preferably angled in a non-upright relation to the base plate. Whereas Galkiewicz teaches a device for fastening two objects together, the device of the present Application system is directed to suspending one object from a supporting surface; the interlocking fins frictionally constrain the relative movement of the two objects with respect to each other only in the direction of gravity's attraction. Not only does Galkiewicz lack the present Application system's essential element of "...substantially identical integrally formed fins..." it actually teaches away from identical fins. Furthermore, the important element of "...substantially identical integrally formed fins each with a non-engaging surface devoid of protrusions on one side thereof and an engaging surface on an opposing side..." is simply absent from the Galkiewicz disclosure; Galkiewicz teaches away from this element, having instead "...at least one flange attached to each side of the stem portion..." (Column 21, lines 39—40) Therefore, it is believed that the present subject Patent Application system is patentably distinguishable from Galkiewicz.

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For these reasons it is believed that the subject Patent Application has now been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: Rosenberg Klein & Lee



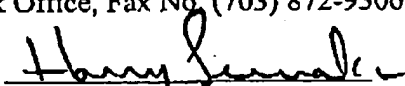
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1/23/04
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